IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/02/2003

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THE HONOURABLE MR.JUSTICE M.KARPAGAVINAYAGAM

W.P. NO.25952 OF 2001
and
W.P.M.P. NO.38408 OF 2001
AND
CONT.P. NO.23 OF 2002

1. P.Senthil
2. T.Jayasingh
3. S.Jayarathinam
4. M.Chandran
5. D.Rajesh
6. E.Suresh
7. M.Shanker .. Petitioners in the writ petition
and contempt petition

-Vs-

1. The Principal,
SIVET College,Gowrivakkam, Chennai.

2. Dr.Balasundaram.S.
Coordinator, Enquiry Committee,
SIVET College.

3. The Registrar,
University of Madras,
Chepauk, Chennai-5.

4. The Director of Collegiate Education,
College Road, Chennai-600 006.

5. The Director,
Government Scholarship Department,
Chennai-600 005.

6. The Secretary,
SIVET College, Chennai. ..Respondents in both writ petition
and contempt petition.

Writ petition filed under Article 226 of the Constitution of India,
praying for issue of a writ of certiorarified mandamus as stated therein.
Contempt petition to punish the respondents for disobeying the order

of this Court dated 26-12-2001 in W.P.M.P. No.38408 of 2001 in W.P. No.25952 of 2001.

!For petitioners : Mr.N.Seshadri

^For respondents: Mr.K.Rajkumar for RR1,2 & 6
Mr.R.Rajasekaran, GA for RR4 & 5
Mr. A.V.K. Ezhilmani for R3

:ORDER

The writ petition and contempt petition are being disposed of by this common order.

2. The petitioners 1 to 7 have filed the writ petition to issue a writ of certiorarified mandamus, calling for records and quash the impugned order of the first respondent dated 15-10-2001 and direct the College authorities to permit the petitioners to resume studies and attend the classes.

3. The contents of the affidavit filed in support of the above writ petition, in brief, are as follows:-

"(a) The petitioners 1 to 7 are the students of the South India Vaniar Educational Trust (SIVET) College (hereinafter referred to as " the College"), Gowrivakkam, Chennai. There are more than 1,500 students studying in the College.

(b) The elections were not held for about two years for the College students' Union and the College timings were advanced during the current year from 9.30 am to 9 am, which caused inconvenience to the students.

(c) In order to request the College authorities to restore the commencement of morning class to 9.30 a.m. and to conduct elections for the students' Union, a representation was sent to the Principal on 20 -9-2001. Since the demands were not met, the College students began to boycott the classes.

(d) At the request of the College authorities, Police came to College and resorted to lathi charge on students. After the boycott was over, 200 students were asked to pay a fine of Rs.150/- each and allowed to attend the classes. But, suspension order was issued on 28-9-2001 as against the petitioners/students alone.

(e) The petitioners were asked to come and attend an enquiry and were forced to tender unconditional apology, accepting the guilt of their acts. The petitioners tendered their apology by way of written statement. On the basis of the said statement, order dated 15-10-2001 was served on the petitioners, intimating that they have been dismissed from the College.

(f) As the enquiry was not conducted in a proper manner and the petitioners were compelled to give statements admitting their guilt, the impugned order of dismissal is liable to be quashed. Hence, the writ petition."

4. Reply by the College authorities, namely, first respondent/ Principal and second respondent/Coordinator of the enquiry committee and sixth respondent/Secretary of the SIVET College, is as follows:-

"(a) SIVET College was established in the year 1966. The College was facing frequent problems due to sudden unrest. Due to concerted efforts of the Management, the teaching and non-teaching staff of the College, discipline is being enforced progressively in the campus. In fact, the parents have also welcomed the above step, as their wards are constantly under the care and control of the teachers and management.

(b) Suddenly, on 20-9-2001, the petitioners indulged in violence and gross misbehaviour in the eyes of teachers, spoke filthy language against the teaching staff as well as the Management and caused extensive damage to the College properties. More than that, they instigated other students to participate in the strike. Therefore, the petitioners were suspended on 21-9-2001.

(c) Earlier, the students meeting held on 3-4-2001 made certain demands. Most of the demands were met, except the College election, in view of the past incident in which the students' representative of the College was done to death in the campus due to rivalry between union students. Since there was an uncontrollable violence, the College authorities had to request the Inspector of Police to give protection to the College. The students' violence was also reported to the Director of Collegiate Education.

(d) On 22-9-2001, a written complaint was given by the Principal to Police against the petitioners. On 28-9-2001, the petitioners, through registered letters, were called upon to appear before the enquiry committee, headed by the second respondent.

(e) Accordingly, on 8-10-2001, enquiry was conducted. During the enquiry, heads of various departments have given their statements about gross violence indulged by the petitioners. The petitioners also have given their statements in their own handwriting admitting their guilt.

(f) Thereafter, the enquiry committee prepared a report on 11-10-2 001 and placed before the College Council. On 12-10-2001, the College Council passed a resolution to dismiss the petitioners from the College. The same was informed to the petitioners/students by the first respondent, by impugned order dated 15-10-2001. After the order was passed, the documents like transfer certificate, etc. of the said students were sent to the University of Madras and students were also informed that they could collect their certificates from the Office of the Registrar of the University.

(g) The impugned order of the College authorities dismissing the

petitioners who indulged in unruly violence inside the College premises, insulting teachers and causing damage to the College properties, was passed only after proper enquiry, in which fair opportunity was afforded to the petitioners. Therefore, the writ petition is liable to be dismissed."

5. It is also brought to the notice of this Court by learned counsel for the respondents that even though the impugned order of dismissal of students from the College was passed as early as on 15-10 -2001, W.P. No.25952 of 2001 was filed only on 24-12-2001 and the same came up for hearing before this Court during Christmas vacation on 26-12-2001. This Court admitted the writ petition on 26-12-2001 and granted stay of the impugned order for four weeks in W.P.M.P. No.3 8408 of 2001. Though the prayer in the said W.P.M.P. is for stay as well as for direction to the College authorities to allow the petitioners to attend classes, this Court thought it fit to grant stay only.

6. It is seen that on the strength of order of stay, the petitioners approached the College authorities and asked them to allow them to attend the classes. However, the College authorities did not give permission. Therefore, the petitioners filed Contempt Petition No.23 of 2002 on 23.1.2002 before this Court to punish the first respondent/ Principal for having disobeyed the order of stay of this Court by not allowing the petitioners to attend classes.

7. When W.P.M.P. No.38408 of 2001 in W.P. No.25952 of 2001 came up for hearing before the other learned single Judge, the same was directed to be posted along with Cont.P. No.23 of 2002 by order dated 1-3-2002. Accordingly, Registry obtained orders from My Lord The Hon' ble Chief Justice for posting both the writ petition and the contempt petition before this Court, so that both could be heard together.

8. During the pendency of these petitions, the petitioners, on 28-2-2002 filed Sub.A. No.46 of 2002 in Cont.P. No.23 of 2002, seeking permission to write their University examinations.

9. After hearing learned counsel for parties, this Court, by order dated 18-4-2002, permitted the petitioners 1,2,3,4,6 and 7 alone to write the University examinations, while rejecting the prayer of the fifth petitioner, as it was reported before this Court that the fifth petitioner got admission in the College on the basis of forged Higher Secondary Mark Certificate.

10. In pursuance of the said order, the respondents allowed the said petitioners to write their respective examinations. However, it is noticed that out of the said six petitioners, only four chose to write the examinations, namely, P.Senthil (Petitioner 1), T.Jayasingh (Petitioner 2), M.Chandran (Petitioner 4) and M.Shankar (Petitioner 7). The petitioners 3 and 6 did not avail of the opportunity given by this Court. Thus, it is clear that even tho ugh the above petitioners were permitted to write examinations, this Court never permitted them to attend classes.

11. When these matters came up for final disposal after summer

holidays, the respondents-College authorities submitted that some of the petitioners entered into the College without permission of the Court and created unpleasant atmosphere. So, the second respondent was directed to file an affidavit mentioning those details. Accordingly, the affidavit has been filed by the College authorities. The contents of the same are as follows:-

" (a) On 17-6-2002, the College was re-opened for the academic year 2002-2003. On 20-6-2002, the third petitionerJayarathinam and the seventh petitioner--.Shankar, entered into the College premises and went to canteen and chewed pan parag and betel nuts and made the wash basin and walls dirt by spitting the betel nut waste. When this was questioned by Professor Marimuthu, Tamil Department, they raised their voice by uttering filthy language.

(b) Furthermore, when the first respondent/Principal went rounds, he found that the above two students (petitioners 3 and 7) were sitting in III Year B.C.S. (Bachelor of Corporate Secretaryship) in Room No.18 of the College premises during first hour from 9 am to 10 am. When the above students were questioned about their entry into class room without permission, they abused the Principal in filthy language and said that they have got every right to enter the class room as they had been permitted to write examinations.

(c) On the same day, i.e. on 20-6-2002, the first petitioner-P.Senthil also came to the College and threatened the Office Clerk to give him the scholarship amount and created a scene. On 21-6-2002, the fourth petitioner M.Chandran came to the College premises and met his classmates. On 16-7-2002, S. Jayarathinam, the third petitioner came to the College premises and ragged few first year students."

12. Learned counsel for the petitioners would argue in the writ petition on merits, raising several points contending that the impuged orders are invalid. However, at the end, he requested this Court to pardon their acts and show "mercy" on them. But, he was not able to show any reason as to why the order dated 18-4-2002 permitting six petitioners to write examinations, has not been complied with by the petitioner 3 - Jayarathinam and petitioner 6Suresh by not writing examinations. On the other hand, he requested this Court to show "mercy" at least on the petitioner 1-Senthil, petitioner 2-Jayasingh, petitioner 4-Chandran and petitioner 7-Shankar, who wrote the examinations by allowing them to continue their studies by imposing lesser punishment other than dismissal from the College. He would further state that the above petitioners are ready to file separate affidavits requesting the College authorities and this Court to show "mercy" on them.

13. Accordingly, by order dated 12-12-2002, this Court permitted----petitioner-1 (Senthil), petitioner-2 (Jayasingh), petitioner-4 (Chandran) and petitioner-7 (Shankar) to file separate affidavits before this Court. Through the same order, the respondents-College authorities were directed to summon these petitioners 1,2,4 and 7 to interrogate them, so as to find out as to whether they deserve to be shown any "mercy". The said petitioners were also directed to appear before the College authorities on

receipt of communication sent by them along with their parents for the above purpose.

14. In obedience to the order of this Court, the College authorities constituted a Committee, appointing three persons to interview the said petitioners and send communications to the petitioners to attend enquiry on 23-12-2002. As fixed, the enquiry was conducted on 23-12-2 002.

15. After thorough interrogation, the College authorities filed a report before this Court on 3-1-2003 along with the interrogatories and the answers given by the parents and students. In the meantime, the above petitioners also filed separate affidavits, requesting to show "mercy" on them.

16. Aggrieved by the act of College authorities in not allowing the petitioners/students to attend classes, despite stay order, the petitioners/students have filed Cont.P. No.23 of 2002. Even at the threshold, it shall be stated that this Court ordered only stay and declined to give direction to College authorities to allow the petitioners to attend classes, though the prayer in W.P.M.P. No.38408 of 2001 in W.P. No.25952 of 2001 is for both stay and direction. The petitioners, having failed to obtain any order with regard to the direction sought for in the said W.P.M.P., should not have entered into the College and created further unruly atmosphere, as stated in the affidavit filed by the College authorities dated 20-7-2002. Thus, the petitioners have never been permitted by this Court to attend classes. As such, it cannot be contended that the order of stay has been violated by the College authorities, as this Court granted only stay and was declined to grant direction sought for in the said W.P.M.P. Therefore, it has to be held that the contempt petition has to be rejected "in limine" as the filing of contempt petition is nothing but an abuse of process of law. Hence, the contempt petition is dismissed.

17. Before dealing with the points raised by learned counsel for the petitioners with reference to the merits of the writ petition, it would be appropriate to consider "mercy" sought to be shown on the petitioners.

18. According to learned counsel for the petitioners, enquiry has not been conducted properly; one of the members of the enquiry committee happened to be one of the witnesses to the incident; statements have been obtained from the petitioners during the close door enquiry, making false promise that they would be allowed to resume studies and that a reasonable or fair opportunity has not been given to the petitioners to defend. No witness was present in the presence of the petitioners and no opportunity was afforded to cross-examine them. As such, the findings of the enquiry committee are not based on legal evidence. The copy of enquiry report was not given to students; even assuming that the contents of enquiry report is correct, the extreme punishment of dismissal from the College, is severe and unwarranted. Therefore, the impugned order of dismissal of students from the College is liable to be set aside. Consequently, the students must be allowed to continue their studies.

19. In reply to the above submissions, learned counsel for the College authorities contended as follows:-

"(a) The disciplinary proceedings against the students are governed by the Tamil Nadu Government Educational Rules. In exercise of the powers conferred under the above said Rules, the discipline and code of conduct of students have been framed and communicated to students through the calendar of the College. Under Rule 97 of the said Rules, the Principal shall have full power to inflict various punishments which includes expulsion in the interest of other students and the institution concerned. As per Regulation 18 of the Students Discipline and Code of Conduct of the College, the students contravening the code of conduct and discipline, are liable to be suspended or summarily dismissed from the College.

(b) Even though enquiry has not been contemplated under the relevant Rules, the same was conducted after serving suspension order and notice and during the said enquiry, the enquiry officer took statements from the persons concerned.

(c) At the earliest point of time, the petitioners never raised any objection to the participation of Mr. K.P.Rajendran, Professor of the College, as one of the members of the Committee, on the ground that he was one of the witnesses for the incident. Moreover, the statement of the said Rajendran was against only one student, and not against all. During the course of enquiry, the statements confessing the guilt were written by the petitioners themselves in their own handwriting.

(d) Admittedly, the suspension order dated 28-9-2001 was served on them through Registered Post, and they were also asked to give the explanation and participate in the enquiry on 8-10-2001. It is not disputed that the petitioners attended on 8-10-200 1 before the enquiry committee and gave statements in their own handwriting. Considering the materials available on record, including the statements of the petitioners and the enquiry report, the impugned order of dismissal was passed on 15-10-2001 on the basis of the resolution passed by College Council and the same was served on the petitioners immediately. Even though the impugned order was passed on 15-10 -2001, the petitioners kept quite all along, and only during vacation, they approached this Court belatedly. Therefore, there is no merit in the contentions raised in the writ petition."

20. Learned counsel for the petitioners would cite the following authorities in support of his submissions:-
(i) CENTRAL BANK OF INDIA VS. P.C.JAIN
(A.I.R. 1969 SC 983);
(ii) UNION OF INDIA VS. MOHD. RAMZAN KHAN
(1991 Lab I.C. 308);
(iii) RATTAN LAL SHARMA VS. MANAGING COMMITTEE
(1993 (4) S.C.C. 10);
(iv) SANKARAN VS. JOINT DIRECTOR OF SCHOOL (SECONDARY) EDUCATION (1996 Writ L.R. 669);
(v) MINOR RAJASURIYA AND ANOTHER VS. THE DIRECTOR OF SCHOOL

EDUCLATION AND OTHERS
(1999 Writ L.R. 118);
(vi) M.C.MEHTA VS. UNION OF INDIA
(1999 (6) S.C.C.237);
(vii) ALIGARH MUSLIM UNIVERSITY VS. MANSOOR ALI KHAN (2000 (7) S.C.C. 529) and
(viii) K.SHEKAR VS. INDIRAMMA (2002 (3) S.C.C. 586);

21. In the above said decisions, the following guidelines have been given:-

(a) If one of the members of an enquiry committee deposed as a witness in support of one of the charges against a delinquent, despite delinquent's objection, the entire disciplinary proceedings is vitiated by bias.

(b) The action of the educational institution, however highly reputed, are not immune from judicial scrutiny.

(c) Non-furnishing of the enquiry report would amount to violation of rules of natural justice and make the final order liable to be challenged.

(d) The principle that in addition to breach of natural justice, prejudice also must be proved, depends upon facts and circumstances of particular case.

22. Learned counsel for the respondents/College authorities would cite the following decisions:-
(i) RANVIR SINGH VS. DIST. INSPECTOR OF SCHOOLS
(AIR 1954 ALLAHABAD 636);
(ii) SYED HASSAN ALI VS. STATE OF MYSORE
(1965 (II) L.L.J. 583;
(iii) DR.G.SARNA VS. UNIVERSITY OF LUCKNOW
(1976 (3) S.C.C. 585);
(iv) U.P. SINGH VS. BOARD OF GOVERNORS, MACT
(AIR 1982 M.P. 59);
(v) ARUN KUMAR VS. VIKRAM UNIVERSITY
(AIR 1982 M.P. 217);
(vi) HINDUSTAN AERONAUTICS LIMITED VS. SHANMUGAM AND ANOTEHR
(1992 (2) L.L.J. 265);
(vii) K.VENKATASWARALU VS. N.G.B. AND ANOTHER
(1995 (2) L.L.J. 492);
(viii) ADDITIONAL DISTRICT MAGISTRATE (CITY) AGRA
VS. P.C. AND ANOTHER (1996 (I) L.L.J. 811);
(ix) J.A. SHAH VS. DR. B.R.A. MEDICAL College
(1997 (2) L.L.J. 239);
(x) 1999 Writ L.R. 118 (SUPRA);
(xi) ASHOK KUMAR VS. DIRECTOR OF TECHNICAL EDUCATION,
GUINDY (AIR 2000 Madras 431);
(xii) 2000 (7) S.C.C. 529 (SUPRA) and
(xiii) THAPAR INSTITUTE OF ENGG. AND TECH. VS.
GANGADEEP SHARMA (AIR 2001 SC 3676);

23. The principles laid down in the above decisions are as follows:-

(a) Even assuming that the enquiry officer has not been properly nominated, the petitioner,having acquiesced and submitted to the jurisdiction without objecting to the same, at the earlier stage, cannot be now permitted to contend that the enquiry officer was not competent.

(b) Where there was an admission of the acts of indiscipline, the High Court will not enter into any question whether the punishment imposed, is or is not in proportion to the act of indiscipline committed by the students.

(c) If the relationship of students with a College is not governed by any statute, but by the prospectus, the College prospectus containing outline syllabus of the course of study, would prevail over the statute.

(d) The Courts are required to take special cognisance of the fact that enquiry relating to academic bodies are within an entirely different sphere. These are not Court proceedings, nor are they on par with disciplinary proceedings.

(e) When the question involved is in respect of the educational institution, apart from considering the provisions of law and technicalities of the arguments based on the principle of natural justice, it is only proper to hold that the authorities of the institution must be given a right of exercising their discretion as to whether to retain a student or not.

24. The above principles laid down by various Courts in the decisions cited by both counsel, were highlighted during the course of arguments advanced by learned counsel for the respective parties.

25. I have given my anxious consideration to the rival contentions urged by learned counsel for both parties and gone through the records placed before this Court.

26. Considering the submissions and having regard to the facts and circumstances of the case, in the light of the principles laid down, I am unable to find that the impugned order of dismissal would suffer from any infirmity that too when there is no malice or bad faith on the part of the College authorities. As a matter of fact, the College authorities initially issued suspension order and sent notices asking for explanation before any further action to be taken. On receipt of the notice and suspension order, the petitioners went and attended the enquiry on 8-10-2001. In the enquiry, the enquiry committee recorded statements of teachers as well as staff of the College and then obtained statements of the petitioners.

27. An objection has been raised in this writ petition by the petitioners contending that one of the persons who was a witness to the incident, was nominated as one of the members of the enquiry committee. But this has to be rejected on two grounds. Firstly, such an objection was never raised during the course of enquiry. Secondly, the enquiry committee did not arrive at a conclusion with reference to the acts of indiscipline committed by

the petitioners on the basis of the statement of Prof. Rajendran, but the same was mainly based upon the statements of the petitioners themselves given in their own handwriting. It is also noticed that the said Rajendran did not implicate all the petitioners/students, but referred to the act of only one student in his statement.

28. It was strenuously contended that proper opportunity has not been afforded to the petitioners and the witnesses have not been crossexamined. As held in the above decisions, enquiry being conducted by the educational institution to decide whether the student be retained or not, cannot be equated with the proceedings before the Court or the disciplinary proceedings before the Tribunal.

29. On going through the typed set containing the statement of the petitioners, it is clear that they played main role in the acts of boycotting and instigating other students to come out of the classes to participate in the boycott.

30. The contention urged by learned counsel for the petitioners that statements were obtained on the false premise that they would be allowed to resume their studies, cannot be accepted, in view of the fact that even in the said statements, they have stated as if they played only minor role, attributing major role on other students.

31. A thorough perusal of the written statements given in their own handwriting before the enquiry committee by the petitioners, would indicate that each petitioner had accused the other. In such circumstances, it cannot be said that the statement of the petitioners were obtained on compulsion or false promise.

32. The way in which the incident took place inside the campus, as found in the enquiry report and the statements of Professors and Lecturers, would indicate that the students indulged in violence in such a way that completely disrupted the smooth functioning of the College institution.

33. It is also noticed that the College authorities due to the above incident, were constrained to call Police inside the College campus who resorted lathi charge. This would illustrate how the students who are to persuade their studies after getting admission in the College, merely fritter away the valuable time by indulging in misbehaviour and violence and when ultimately thrown out of the College, they came out as if the writ jurisdiction is a panacea for all misdeeds.

34. It is to be remembered in this context that the students are all of improbable age; some times they indulge in all adventuresome activities and sometimes they become victims of not only unguided enthusiasm, but also the victims of vicious circumstances. In all these cases, the Court cannot ask the College authorities that they should not take action against these persons on the mere ground that their right to prosecute studies will be hindered.

35. In the interest of maintaining proper discipline in educational

institutions, it is highly necessary to strengthen the hands of the College authorities by arming them with sufficient powers, so that the other students in the institution who are keen to study and improve their carrier, would not become the victims of handful of persons who may spoil academic atmosphere by indulging in anti-social activities. It is the educational authorities who alone should have every control over the students and take such action that would warrant the circumstances. If the educational institutions have not been allowed to exercise their discretion to decide as to whether a particular student should be retained or not, then the educational institution will have to face the calamitous consequences.

36. In this case, it is noticed from the statement of the petitioners and enquiry report that the petitioners, on 20-9-2001 and 21-9-200 1, came out of the classes and instigated other students to come out of the classes to participate in the boycott and also misbehaved with the teachers who were taking respective classes and caused damage to properties of the College as well as the College bus and also used abusive language against the teachers and assaulted one of the nonteaching staff by tearing his shirt. It is also noticed that in spite of the advice given by the Professors and Lecturers, asking the petitioners not to indulge in these activities, they have simply ignored their advice and continued to indulge in violent activities. When such unruly things happen under the very nose of the Management of the institution which has given admission to students for College studies and the Professors who taught education, then the College authorities would certainly be under the obligation to curb these activities by resorting to take suitable action against the persons concerned. The students, having committed all these misdeeds in the institution, causing disgrace, cannot approach the Court, contending that they are the paragon of the virtue and the Management alone is the villain of peace. This attitude is highly unfortunate.

37. The Courts would, no doubt, come to the rescue of students where they are the victims of vindictive attitude or when they are singled out due to some hostility. Normally speaking, we may not expect any such victimisation or hostile treatment in educational institutions, because these institutions are controlled and run by enlightened persons. In this case, I do not find any malice on the part of the institution or victimisation of the students. The College authorities conducted enquiry with the help of a Committee, took statements of the Professors and Lecturers, who saw through their own eyes, the unruly incidents and also recorded statements of the petitioners and then submitted a report to the General Council of the College. Only thereafter, they decided to pass the impugned order, dismissing the petitioners from the College. In the above factual position, it cannot be said that no proper enquiry was conducted.

38. All that is required in enquiry is that the procedure followed should be fair and that the person against whom the allegations are levelled, is aware of what the charges are and that the person concerned should not be deprived of an opportunity of presenting his defence. In this case, such a procedure has been followed. On going through the enquiry report, the prospectus of the College and other records, I do not find any victimisation or hostile treatment in this case.

39. Under those circumstances, this Court has to hold that the impugned order of dismissal of the students from the College, is perfectly correct.

40. Let us now come to the next question relating to "mercy", sought to be shown on the petitioners in regard to the punishment.

41. At the outset, it shall be made clear that out of seven petitioners, six petitioners alone were permitted to write their examinations by the order dated 18-4-2002. Out of six, only four petitioners wrote the examinations. Learned counsel for the petitioners, as noted above, would not give any valid reason as to why the other two petitioners have not availed of the opportunity given by this Court. Failure on the part of some of the petitioners in writing examinations in spite of the permission given by this Court, would show their lack of interest in studies. It is also to be stated at this juncture that though permission was granted to write examinations by this Court, the petitioners have never been given permission to go to the College and attend the classes.

42. As mentioned in the affidavit dated 20-7-2002 filed by the second respondent on behalf of the College authorities, Shankar, the seventh petitioner and Jayarathinam, the third petitioner on 20-6-2002 went to College canteen and chewed pan parag and made the wash basin and walls dirt by spitting the waste. When they were questioned by Professor Marimuthu, they shouted at him by uttering filthy language. Thereafter, they attended the classes for one hour and when the College Principal questioned their entry without permission, they challenged him that they have got every right to enter the class room, as they were permitted to write examinations by Court. On the same day, i.e., on 20-6-2002, Senthil, the first petitioner came and threatened the Office Clerk to give scholarship amount, stating that he is entitled to the said amount, as he was permitted by the Court to write examinations. Similarly, Chandran, the fourth petitioner came to the College premises on 21-6-2002 and was found talking with his classmates. When his entry was questioned, he left the College. These allegations have not been specifically denied by the petitioners concerned by filing reply affidavit. However, learned counsel for the petitioners tried to justify their entry into the College. This will indicate that they have not realised their mistake and that they have also not even cared to understand the nature of the order passed by this Court pending writ petition.

43. It is true that this Court, on the basis of the representation made by learned counsel for the petitioners, allowed them to file affidavits, requesting mercy. Accordingly, the petitioners 1,2,4 and 7 filed their respective affidavits. This Court, by order dated 12-12-2 002, having concern over the future of the students, directed the College authorities to summon these petitioners, namely, petitioners 1,2 ,4 and 7 and to interrogate them to find out whether they realise their misdeeds and deserve to be shown any "mercy". The petitioners 1,2,4 and 7 were directed to appear before the College authorities on receipt of communication sent by them. The College authorities were further directed to file report after interview, in a sealed cover before this Court.

44. As directed by this Court, the College authorities constituted a Special Committee to interview students. The communication was sent asking the petitioners concerned to appear for the interview before the said Committee in the College premises on 23-12-2002. The interview was attended by Senthil, the first petitioner, Jayasingh, the second petitioner and Chandran, the fourth petitioner. Unfortunately, the seventh petitioner-Shankar did not choose to attend interview. The Committee interrogated the petitioners 1,2 and 4 separately. Special interrogatories were prepared by them and those interrogatories were put to them. After recording the answers given by them, the College authorities prepared a final report and filed the same before this Court on 3-1-2003.

45. In the said report, the College authorities stated that Senthil, the first petitioner and Chandran, the fourth petitioner were interviewed by the Committee and their behaviour during the interview did not show that they had realised their mistake. However, the behaviour and the answers given by Jayasingh, the second petitioner who was accompanied by his parents, indicated that he had realised his mistake and shown fervent interest in continuing his studies by attending the College. As such, he alone deserve to be shown "mercy" for re-admission in the College. It is further stated in the report that this Court, taking into consideration the welfare of 1500 students studying in the institution, may pass appropriate orders and the Management will abide by the same.

46. I have also gone through the interrogatories and answers given by P.Senthil, the first petitioner, Jayasingh, the second petitioner and Chandran, the fourth petitioner. Shankar, the seventh petitioner did not attend the interview. Along with Senthil--first petitioner, on the same day, the mother of Senthil also was interrogated. Chandran-fourth petitioner was not accompanied by his parents, but was accompanied by his elder brother. He was also separately interrogated. Second petitioner-Jayasingh's parents accompanied and they were also interrogated. Though the seventh petitioner-Shankar did not come, his mother and elder brother attended the interview and they were interrogated.

47. As stated in the report, the answers given by Jayasingh, the second petitioner to the interrogatories and the statement of the parents of Jayasingh, would clearly show that Jayasingh had realised his misdeeds and is very keen to attend classes and pursue his studies. The undertaking given by him as well as by his parents would clearly indicate that he deserves to be shown "mercy" as recommended by the College authorities for re-admission.

48. In view of the above factual position, it would be appropriate that Jayasingh, the second petitioner alone shall be permitted for re-admission in the College. Accordingly, the College authorities are directed to give re-admission and allow him to attend classes and continue his studies.

49. With regard to the petitioners 1,4 and 7, the College authorities

stated that no mercy could be shown on them, as their entry into the College would spoil the very atmosphere of the College.

50. In this context, it is relevant to refer to the following statement contained in paragraph 4 of the Memorandum filed by the third respondent/Registrar, University of Madras:-
"4. If this Hon'ble Court desires, this Respondent is willing to take those of the students who deserve sympathy from this Hon'ble Court on the ground of continuing education. They may be directed to take their examinations without attending any college. This may be possible with the direction of this Hon'ble Court....."

51. While accepting the report of the College authorities dated 3-1-2003, in regard to Jayasingh, the second petitioner, this Court has to show some sympathy on the petitioners 1,4 and 7 also especially in the light of the fact that as per the direction of this Court, they also wrote examinations and passed in several subjects. Though the seventh petitioner-Shankar has not attended interview on 23-12-2002 before the College authorities, it is noticed that on his behalf, his mother and brother attended the interview and gave answers to the interrogatories.

52. Since the College authorities expressed their apprehension that re-admission of petitioners 1,4 and 7 would spoil other students as well as the atmosphere of the College, it would be appropriate to direct that they shall not be allowed to attend the classes, but they may be permitted only to write their examinations without attending classes, as suggested by the University in the Memorandum.

53. In fine,
(i) Jayarathinam, the third petitioner, Rajesh, the fifth petitioner and Suresh, the sixth petitioner are not entitled to the relief sought for in the writ petition.

(ii) Senthil, the first petitioner, Chandran, the fourth petitioner and -Shankar, the seventh petitioner are not entitled to enter into the College premises and attend classes and however, the respondents are directed to allow them to write examinations without insisting upon their required attendance.

(iii) The respondents are directed to give re-admission to second petitioner-Jayasingh, so that he shall attend College and and pursue his studies.

54. With the above directions, the writ petition is disposed of. No costs. Consequently, W.P.M.P. No.38408 of 2001 is closed.

55. Before parting with the case, this Court is constrained to observe the following:-

(i) There is a degradation of discipline among students in the College institutions. We find through newspaper reports that day-in and day-out,

unruly incidents happen in educational institutions by way of ragging, eve-teasing, boycotting, etc. This unhealthy trend is causing great concern. It is noticed that no effective effort has been made by the educational institutions to stop degradation of discipline among students in the educational institutions. The real reason must be that though the present day education develops intelligence and skill among students, it does little to develop good qualities among students.

(ii) The knowledge that is gathered in educational institutions should be capable of being used for service to society and help to improve the conditions of one's fellow men. The place where true teachers and students are gathered, should be filled with atmosphere of serene, peace and orderliness.

(iii) When the educational institutions are trying to curb the evils like ragging, eve-teasing, boycotting, etc., the students, without proper guidance from parents and elders, rush to the Court to get some interim orders to throw the same as a challenge before the teaching institutions, so as to wriggle out of their misdeeds. The students shall not be the stumbling block to public tranquility. They should start cultivating the spirit of mutual regard and harmony.

(iv) There is no point in blaming students alone. They are like the stones out of which the sculptors chisels the figure he wants. It is the sculptor who produces the things of beauty out of pieces of hard rock.

(v) The parents are keen about educating their children, but are not concerned about the kind of education that is being given. If there is failure in making the students to have good qualities, there will certainly be failure of orderliness in the educational institutions. This must be taken note of by both parents and educational institutions, if they are really interested in the well-being and improvement of students. So, the parents and teachers have to play a pivotal role in cultivating good human values in the minds of students.

(vi) The only panacea for eradicating the evils like indifferent attitude towards teachers, ragging, eve-teasing, boycotting, etc., is to teach the students not only the curriculum subjects, but also teaching human values. Therefore, educational institutions must ensure that students are given coaching by providing special classes to teach human values, such as TRUTH, RIGHTEOUS CONDUCT, PEACE, LOVE AND NONVIOLENCE, so that they may not resort to any sort of aggressive activities. The educational institutions should give special attention and indulge themselves in imbibing these qualities in the heart and soul of students. This Court is of the definite view that only through imparting human values in education, the students would blossom as " good citizens" of the country and consequently, the evils such as ragging, boycotting, insulting teachers, causing damage not only to College properties, but also the public properties, ingratitude to parents, etc., will automatically get eradicated.

(vii) The educational institutions should further ensure that a

special Committee is constituted to see that the grievance of the students are redressed then and there and that all facilities are given to them to carry on with their studies effectively and also for conducive atmosphere in the institutions, so that a situation may not warrant where the students would indulge in agitation under the garb of claiming rights.

56. (i) The Director of Collegiate Education, Chennai-6, (ii) Director of Elementary Education, Chennai-6, (iii) Director of School Education, Chennai-6, (iv) Director of Teacher Education, (Research and Training), Chennai-6, (v) Secretary, Higher Education Department, Chennai-9, (vi) Secretary, School Education Department, Chennai-9, ( vii) Director of Medical Education, Chennai-10, (viii) Director of Legal Education, Chennai-35, (ix) Director of Technical Education, Chennai-25 and (x) the Registrars of all the Universities of Tamil Nadu, are directed to get a copy of this order and communicate the same to all the Heads of educational institutions-Schools, colleges, Universities concerned, to ensure proper atmosphere in the educational institutions.
57. With the
above observations, the writ petition is disposed of. No costs.
Consequently, W.P.M.P. No.38408 of 2001 is closed.

58. The contempt petition is dismissed.

10-2-2003
Index: Yes
Internet:Yes
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To

1. The Registrar,
University of Madras,
Chepauk, Chennai-5.

2. The Director of Collegiate Education,
College Road, Chennai-600 006.

3. The Director,
Government Scholarship Department,
Chennai-600 005.

4. Director of Elementary Education, Chennai-6.

5. Director of School Education, Chennai-6.

6. Director of Teacher Education, (Research and Training),
Chennai-6.

7. Secretary, Higher Education Department, Chennai-9.

8. Secretary, School Education Department, Chennai-9.

9. Director of Medical Education, Chennai-10.

10.Director of Legal Education, Chennai-35.

11.Director of Technical Education, Chennai-25.

12. The Registrars of all the Universities of Tamil Nadu.